NORTH CAROLINA SENTINEL.

UNION OUR WATCHWORD....TRUTH OUR GUIDE.

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MISCELLANEOUS.

OFFICIAL PAPER.

The following is the Report made by the Judiciary Committee, in the House of Representatives of the U. States, of which, owing to the importance of the subject, three thousand extra copies were ordered to be printed:

The Committee on the Judiciary, to whom was referred the resolution of the House, instructing them to inquire into the expediency of providing by law, that a greater number than a majority of the Supreme Court should concur in pronouncing any part of a State Constitution, or act of a State Legislature to be invalid, and that, without such concurrence, no part of a Constitution of a State, or act of a State Legislature, shall be holden invalid, beg leave to submit the following

REPORT:

The Committee, considering the subject matter of the resolution to be one of great importance, have bestowed upon it that grave consideration which it emphatically deserved. At an early period of our judicial history, the principle was decided in the Supreme Federal Court that it was within their competence to decide any law to be void, which was in contravention of the Constitution. This decision was placed by them upon the ground that the Constitution and laws of the United States, made in pursuance thereof, and treaties made under the authority of the United States, were declared to be the supreme law of the land; they therefore held, that, when any State Constitution or law came, in their opinion, into conflict with what was declared to be the supreme law, that which was *not supreme* must yield to that which *was*: and that consequently any State Constitution or law, thus coming into conflict, must be held null and void. It will be seen that this is a principle derived by our judiciary from the nature of our written constitution imposing many limitations and restrictions, as well upon the Federal as State Governments, and at the same time, upon its face declaring its own supremacy. The Committee do not propose at all to deplore the foundation of this great principle; but, taking it as one which has long been decided, and acted upon, they cannot forbear to remark, that the power which it implies is one of great magnitude and most extensive operation; embracing within its comprehensive grasp the authority to nullify the Legislative acts of the Union, and of the States, individually, and even the most solemn of all acts, the expression of the will of the sovereign People of the States, in the form of their written Constitutions. That a power so tremendous should be fenced around with proper guards is a proposition which the Committee suppose scarcely requires the aid of argument to challenge the assent of all. They are aware that it is a question about which there is much more difference of opinion to what extent this caution shall be carried.—As the Supreme Court of the U. States is at present organized, it consists of seven members, of whom four constitutes a quorum, and three being a majority of that quorum, it results, that the concurrence of three of the Judges is competent to the nullification of a State law, or even Constitution; it may then happen in the actual posture of our Judiciary, that a minority of the Court might nullify the most solemn acts of the States, whilst the majority of the Court might possibly entertain a different opinion.

The Committee presume that there are but few who would not at once acquiesce in the justice and propriety of the proposition, that in making so solemn and important a decision, there should be a concurrence of at least *a majority* of the whole Court.—They however, think that it would be advisable to require the concurrence of five members of the Court. This is, indeed, a question of more or less, and upon which it is admitted that it cannot be predicated with absolute certainty, that any particular number is the proper one; but they will offer to the House some of the prominent considerations which have induced them to decide in favor of the number five.

It will be recollected, that in controversies, originating in the State Courts, a question concerning the validity of a State law, or Constitution, cannot be brought before the Supreme Court of the United States until it shall have been adjudicated by the highest State tribunal, nor unless the decision of that tribunal shall have been in favor of its validity. Before, then, the Supreme Court can pass upon such a question in any case, the validity of the law, or Constitution, as the case may be, must have received the most authoritative stamp of approbation in the State in which it arose. If it relate to the validity of a law, it must have been approved of by both the branches of the Legislature; if it relate to that of a Constitution, it must have been approved of by the people of the State in the exercise of their sovereign power, in their primary assembly as a Convention; and it must, in controversies originating in State Courts also have been decided in favor of by the Court of dernier resort in the State. In this posture of the subject, if a bare majority of the Supreme Court of the U. States should decide against the validity, the State whose Constitution or law was thus nullified, can scarcely acquiesce without a murmur, especially when it was considered that besides the concurring approbation of its Convention or Legislature, and its judiciary, it might be sustained by that also of the three remaining members of the Court; and when it is remembered, too, that the question must always be, whether the State has or has not, transcended the limits of its reserved rights, growing out of its compact with another party, to wit: the Federal Government, and that the Supreme Court of the United States are the tribunal of that other party. The concurrence, then, of a greater number than a bare majority of that tribunal, will tend to produce a greater spirit of acquiescence, to quiet heart burnings, and thus add a strong cement to that Union which we all desire to be indissoluble and perpetual.

Nor is the selection of the number five at all an arbitrary one, as might possibly at the first view be supposed. The Constitution of the United States, in several instances where the subject is important, requires the concurrence of two-thirds of the body called upon to act in relation to it. Thus, an amendment to itself cannot even be originated without the concurrent votes of two thirds of both Houses of Congress, or the applications of two thirds of both Houses of Congress or the applications of two-thirds of the several States. Thus, too, a treaty cannot be ratified without the concurring vote of two-thirds of the Senators present. But there is another provision of that instrument which bears a much closer analogy to the present question, because it has reference to a judicial tribunal; it is that which declares, that in case of impeachment, no person shall be convicted without the concurrence of two-thirds of the members of the Senate present. It will at once be seen by the House, that the number five is as near as may be to that proportion of the whole Court.

Nor can the Committee perceive that well founded objections to the requisition of more than a bare majority; because they hold it to be a sound principle, that the successive approbation of the Convention or Legislature of a State, and of its highest judicial tribunal, ought at least, to prevent the nullification of a constitution or law in every case of doubtful character, and indeed in every case in which its incompatibility with the supreme law was not clear beyond any rational doubt; and in cases of this latter class, it can scarcely be doubted but five of the Judges would perceive that incompatibility, and perceiving it, declare by their decision. Upon the whole view of the subject, the Committee are of opinion that it is but a reasonable safeguard to the reserved rights of the States, to provide that they shall not be declared to have passed beyond them, without the concurrence of five Judges of that Government, whose own tribunal is deciding upon its own power; and in conforming with these views, they herewith report a bill.

POLITICAL VIEWS.

The following extract of a letter from a distinguished Member of the Government of the U. States, presents some views, so striking and so germaine to the period at which we have arrived, that we take the liberty of laying them before our readers.—*Stat nominis umbra!—Rich. Enq.*

EXTRACT.

"Experience has convinced me that the permanency of our Government depends upon a rigid limitation of its powers. In a consolidated form, it could not last ten years. So extensive is our territory, our soil and climate so varied, that no human sagacity could form any system of laws that would equally affect the different, and sometimes conflicting interests of our country.—And, under the federative principle, every approximation to the consolidated form cannot fail to be productive of the most ruinous injury; and, if carried too far, must end in the destruction of the System.—In a few cases, Congress must act on subjects which deeply affect the local interests of each State. But, in such instances, that spirit of concession which led to the adoption of the Federal Constitution, should never be disregarded, and such subjects should be as seldom agitated. In the exercise of the powers clearly granted over our internal concerns, and the regulation of our external affairs, the federal government will find ample scope for advancing the general interest.

There is more wisdom in the doctrines of Jefferson and Madison than has been admitted by many political theorists. The greatest danger our system has to encounter arises from the reckless ambition of aspirants to the Presidency. If they seize upon popular topics, and push them to a dangerous extent—if they become indifferent to every thing but their own advancement, the federative principle must become weakened, and eventually destroyed. To guard against this, I would have the land-marks of the Constitution fixed; what remains doubtful, should be made plain—and I would withhold any power which it may be dangerous to exercise.

The powers of the President should be abridged. He should not have power to remove any officer of the Government, in whose appointment the sanction of the Senate is necessary. I would require the same power to remove which is necessary to appoint. This would place the Executive Officers of the Government on an independent footing. They would not look only to the Executive for safety. In the force of public sentiment, and the decision of the Senate, they would find the best guarantee against injustice, or the exercise of an arbitrary discretion.

This would do more to tranquillize our Government, and preserve its purity than any other regulation which could be adopted. It would break the force of patronage, and make it the interest of every officer of the federal government, to look at the public interest, rather than minister to the ambition of one or two individuals. Much firmness is required in an officer, to take an independent stand, and act as a trustee for the public, when his powers may be terminated at the discretion of an individual.—There are some who boldly take this ground, and maintain it. But, a vast majority of officers look not beyond the power from which they derive their existence.

Excitement in the election of President will not be avoided by reducing the time of service to a single term. To prostrate some prominent member of the Cabinet, who aims at the Presidency, will unite as strongly against the Administration the elements of opposition, as to prevent the re-election of the incumbent."

IMPORTANT RESOLUTIONS.

Mr. Brenton has submitted a sesries of resolutions to the Senate of the U. States, which have been discussed and committed. They propose, 1. to make purchases of the *public Debt*, at its current market price whenever they can be made beneficially for the public interests and consistently with existing engagements; 2. to *revive* the 1st sect. of the Sinking Fond Act of 1790, which directs the *whole* of the surplus money in the Treasury to be applied to the public debt, and to repeal the 4th sect. of the act of 1817, which authorizes a retention of 2,000,000 of surplus revenue in the Treasury; 3. to require compensation from the United States' Bank for the use of the balances of public money in its hands; 4. to *relieve* the people as soon as possible from the burthen of the *public debt*, which the resolution states may be effected *in four years* by a *timely* and *judicious* application of the means within the power of Congress; and, 5. to abolish the duties to the amount of the $10,000,000 now annually levied on account of the public debt, as soon as that debt is paid; which abolition "may be made according to the present indications of the revenue, without diminishing the protection due to any branch of *domestic manufactures*, and with manifest advantage to the agriculture and commerce of the country."

There is some opposition made to these resolutions. Some persons doubt, whether the current revenue will not be so far abridged by the *future* operations of the tariff, as to prevent the extinguishment of the public debt in four years. Tho' the revenue has suffered less from the present *extravagant* tariff than has been expected, because so many more goods were ordered in anticipation of the passage of the act; yet it is suspected that fewer goods will be hereafter brought in by the fair Traders, and more will be smuggled in to the injury of the Revenue. Some also entertain a doubt, whether the stocks will not rise as soon as the government goes into the market to purchase: and, therefore, think that it may be its interest to wait the present course of events.—Leaving these questions to be decided by experienced financiers, we can only say that we are perfectly willing to hasten the extinguishment of the public debt; if possible, in four years. A nation, that is out of debt, would be a phenomenon in modern times—and such an event would mark with imperishable characters the administration, which should have the honor to effect it. We should be happy, if such a signal event could be reserved for the administration of Andrew Jackson.—*Rich. Enq.*

VOTES OF THE PEOPLE.

At the Presidential Election which took place in November, as given for Jackson and Adams, in the different States in the Union. A list similar to this, but incorrect in some respects, has been published in several of the papers. This we have made out with much care, taking special pains to put down, as soon as received, the votes, as officially reported—taking the highest vote on each ticket—and is believed to be accurate. The list includes all the States, excepting Mississippi and South Carolina—the latter, however, choosing Electors by the Legislature, there is no means of ascertaining what majority of the voters prefer General Jackson; but from the known strength of the Jackson party in that state, it is probable that the number is all of 20,000. In the list which we have seen published, Connecticut is put down for Jackson 4,486. Adams 13,343—being about 40 too many for J. and 500 too few for A.; and in another list, Adams' vote in N. York is put down 10,000 less than it was.

STATES.	Jackson	Adams.	Majorities. J.	A.
Maine,	13,927	20,773		6,846
N. Hampshire	20,933	24,124		3,201
Massachusetts	6,019	29,838		23,819
Connecticut	4,448	13,838		9,390
Vermont	8,385	24,365		15,980
Rhode Island	821	2,754		1,933
New York	140,763	135,413	5,350	
New Jersey	21,951	23,758		1,807
Pennsylvania	101,652	50,848	50,504	
Del'e (cong.)	4,348	4,769		421
Maryland	24,565	25,527		962
Virginia	26,752	12,101	14,651	
N. Carolina	37,857	16,918	23,939	
Georgia	19,362	642	18,720	
Kentucky	39,084	31,169	7,917	
Ohio	67,597	63,396	4,201	
Indiana	22,237	17,052	5,185	
Illinois	9,560	4,659	4,901	
Louisiana	4,603	4,056	527	
Tennessee	44,193	2,240	41,953	
Missouri	8,272	3,400	4,872	
Alabama	13,384	1,934	11,450	
Total,	610,703	510,392	194,470	64,359
	510,592		64,359	
Total no. of votes,	1,151,295	Jack'n maj'y	130,111	
Add S. Carolina, say		20,000		
Mississippi, supposed,		5,000		
			25,000	
Jackson's majority is			155,111.	

[*Middletown Sentinel.*

State of Parties in Congress.—Something like a general rejoicing has appeared in the Adams papers, at the prospect of a majority in the United States' Senate after the 4th of March next. They count, however, their majority in the Senate as they have been counting their majorities throughout the country for the last three years.—No doubt they would be glad to commence their opposition to the next administration in the Senate. There is little prospect for them. The following is a list of the Senators of the United States, and the periods when their seats become vacant:—

1829.	1831.	1833.
**Bell*, of N. H.	*Barton*, Misso.	Barnard, Penn.
Bouligny, of Lou.	Berrien, Geo.	*Bateman*, N. J.
*Branch, N. C.	*Burnett*, Ohio.	Benton, Misso.
Chandler, Me.	*Chambers*, Md.	Eaton, Tenn.
†Prince, Geo.	Chase, Verm.	Ellis, Missi.
Dickerson, N. J.	*Hendricks*, Indi.	*Foot*, Conn.
*Hayne, S. C.	*Johnston*, Lou.	McLane, Del.
Johnson, Ken.	Kane, Illinois.	*Noble*, Indiana.
King, Alabama.	Iredell, N. C.	*Robbins*, R. I.
**Knight*, R. I.	*Marks*, Penn.	*Ruggles*, Ohio.
Ridgely, Del.	McKinley, Ala.	*Seymour*, Verm.
Silsbee, Mass.	Rowan, Ken.	Smith, Maryland
Tazewell, Vir.	Sanford, N. Y.	Tyler, Vir.
Thomas, Illinois	Smith, S. C.	——, N. Y.
*White, Tenn.	*Willey*, Conn.	——, Maine.
Williams, Miss.	Woodbury, N. H.	*Webster*, Mass.

*Senators that have been re-elected.
†In place of Mr. Cobb, resigned. Gov. Troup succeeds Mr. Prince, after 4th March.

The Senators whose names are in *italic*, are considered friendly to Mr. Adams.

Of the friends of Gen. Jackson in 1829, probably Messrs. Candler, Dickerson and Ridgety may lose their elections. There is a chance, however, the New Jersey will not prostrate her influence altogether, and a hope for the rest. Mr. Van Buren's place will be filled by a Jackson man, and Gov. Paris of Maine, by an Adams man. Of Mr. Adams' friends in 1829, Messrs. Bouligny and Silsbee may be elected. Mr. Thomas of Illinois, has been recently superceded by John McLean, a Jackson man. Mr. Woodbury of New Hampshire, and Mr. McLane of Delaware, will most probably remain in the Senate for the present.

All these changes in 1829, will, therefore, leave 25 for Jackson in the Senate, and 23 for Adams. If Bouligny should lose his election in Louisiana, and a Jackson man be appointed, parties would stand 26 for Jackson—22 for Adams.

In 1831, a great many changes will be made in the Senate, decidedly favorable to Jackson. Barton, of Missouri; Burnett of Ohio, Chambers of Maryland, Hendrick of Indiana, Johnston of Louisiana, and Marks of Pennsylvania, will lose their seats, and their places filled by the friends of Gen. Jackson. These changes, which are all very probable, would make parties stand; 31 for Jackson—17 for Adams. It is not improbable but that some of these gentlemen will see the prospect a head, and save themselves in time by giving a cordial support to Jackson's Administration.—Messrs. Barton, Marks, and Burnett may lose their elections, if they do not in time fairly represent their states.

In the House of Representatives our majority is great—probably over thirty. It will increase every year. There is no need of being alarmed therefore, that the new opposition can prevent the progress of these measures of reform and economy which will be introduced under the auspices of General Jackson.

In the year 1801, when Mr. Jefferson first came into power, the Republican majority in the Senate was *four*; and in two years, (in 1803,) it had increased to *sixteen*. At the same period (in 1801) his majority in the House of Representatives was 29, and in 1803 it had increased to 58. Although General Jackson is elected by a much greater majority of electoral votes than Jefferson was, yet the equality of their majorities in Congress, arises from the fact that several of the Jackson Republican States in the west have not had time to make their changes in the political character of their representatives, which the sentiment of the people warrant. The spirit of reform—the anti-corruption principle has made greater progress among the people, than among some of their servants. The prospects, however, are excellent.

N. York Enq.

East India Company's Finances.—By the last annual accounts of the financial affairs of the East India Company, laid before Parliament, and made up to the 25th of May last, it appears that the territorial and political debts of the company amounted to £12,019,657, while the assets on the same branch only amounted to £1,759,361, leaving a deficiency of £10,260,296. The commercial debts, however, of the corporation are stated at £1,596,332, while the assests on the same account are £23,552,608, creating a balance in their favour of £21,956,276. It should be observed that among the commercial debts of the company are placed the interest due on their stock and on the board debt. The amount of the company's bonds then in circulation, and bearing interest at four per cent. was £3,780,475; the bonds in circulation not bearing interest were £15,417. The total balance in favour of the company was £7,900,088.

Extract from the Evangelical and Lutheran Intelligencer.

METHODISTS.—The schism which has for some time existed in this denomination of christians, arose not from a difference in doctrinal points, but from a desire on the part of many pious and intelligent members, to remodle the form of their church government. These are termed Reformers, or by some Radicals, and from their paper, the "Mutual Rights," published semi-monthly, we infer that they must ultimately succeed. They speak temperately, yet firm and undismayed; although the able, pious and veteran preacher, Dr. S. K. Jennings (with many others of like character,) has been acted against, as if he had been guilty of some gross violation of religious duties. The rules of government are by a resolution of a number of Methodists in Tennessee, considered "contrary to *Scripture, reason* and the *rights of freemen.*"

CENTREVILLE, (Md.) Dec. 20.

A very interesting scene was exhibited in the Methodist Church in Centreville, on Sabbath day last. Some of the old and conscript fathers of Methodism in these parts, determining on a secession from the church as at present established explained their reasons therefor and in solemn order signed their with trawels at the altar. The scene was an affecting one and drew tears from the eyes of many.

It is supposed that the number of Reformers that formerly worshipped in the Meeting House in Centreville amounted to 70 or 80. The whole number in society, embracing both parties, is about 130.

Louisiana Sugar Crops.—The Opelousas Gazette of the 3d ult. has the following flattering paragraph in relation to the sugar crops:—

The Sugar crops, as far as we have heard, have been good. Mrs. Stille has in cultivation, about 50 acres besides her cotton crops. From 23 acres of cane she has made 38,400 lbs. rather more than less; she calculates on making about 70 hhds.; the sugar we have seen is of the first quality. This is equal to 1670 lbs. to the acre, or rather more than a hogshead and a half, rating the hogshead, as usual, at 1000 lbs.—Captain Rogers has also cultivated a large crop, which, it is said will yield, at least, a hogshead and a half to the acre. Gen. G. Flaujac, about 6 or 7 miles north of us, is embarking very extensively in the cultivation of the cane. Judge King is also commencing a similar establishment at Mountville, about 8 or 10 miles north of us. These two establishments will be in complete, and, no doubt, successful operation next year; and little doubt can be entertained that, with ordinary good luck, they will realize the most sanguine expectations. Mr. Brownson's cane crop at Lafayette, less than half a degree south of us, will be very productive. Mr. Brownson has vested a large capital in the sugar business. He has erected this year, very costly works, which have just gone into operation.—We are credibly informed that the sugar manufactured by him this fall will more than defray the expense of these works. These results will lessen our wonder at the rapidity with which the sugar planter amasses riches. Each labourer in his fields will make annually, between 2 and $300 clear of all expense. One hand will cultivate 10 acres. Each acre can yield 1500 lbs. of sugar; each pound of sugar is worth at least six cents. Then deduct even two thirds of the profits, which is a much larger deduction than is necessary, for the interest of the capital vested, and all the current expenses, and the most moderate result will be as above stated. The cultivation of this great staple will be vastly profitable on the lands above us.—We have an abundance of generous soil; we only want force to cultivate it.

From a New-Orleans Paper.

NEW ORLEANS.

It is certainly mournful for a traveller to dwell among the mountains of Pompeii, of Herculaneum, and of Rome. There, if he feels at all, he feels among these wrecks of past grandeur, that he has nothing. A totally different sensation possesses the mind on entering an American city. In these, man beholds what he can contend with, and what he can accomplish, when his strength is not checked by the arbitrary will of a despot. New-Orleans, the wet grave, where the hopes of thousands are buried, for eighty years the wretched asylum for the outcasts of France and Spain, who could not venture one hundred paces beyond its gates without utterly sinking to the breast, or being at-